

JS 44 (Rev. 12/07)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

TAMEKA PARKER

(b) County of Residence of First Listed Plaintiff Delaware  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Craig Thor Kimmel, Esq., Kimmel & Silverman, PC, 30 E. Butler Ave., Ambler, PA, 19002, (215)550-8888

**DEFENDANTS**

DIVERSIFIED CONSULTANTS, INC.

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury  <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act  <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	

**V. ORIGIN**

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
15 U.S.C. 1692k

Brief description of cause:  
Fair Debt Collection Practices Act

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

10/13/2015

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

## UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 7006 Emerson Avenue, Upper Darby, PA 19082

Address of Defendant: 10550 Deerwood Park Blvd., Suite 309, Jacksonville, FL 32256

Place of Accident, Incident or Transaction: \_\_\_\_\_  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases  
(Please specify) 15 U.S.C. § 1692 et seq.

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) \_\_\_\_\_

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, CRAIG THOR KIMMEL, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 10-13-15

Attorney-at-Law

57100

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10-13-15

Attorney-at-Law

57100

Attorney I.D.#



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

TAMEKA PARKER

DIVERSIFIED CONSULTANTS, INC.

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (X)
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

10-13-15  
Date

Attorney-at-law

Plaintiff, Tameka Parker  
Attorney for

215-540-8888 x 116

877-788-2864

kimmel@creditlaw.com

Telephone

FAX Number

E-Mail Address

1                                   **UNITED STATES DISTRICT COURT**  
2                                   **FOR THE**  
3                                   **EASTERN DISTRICT OF PENNSYLVANIA**

4 TAMEKA PARKER,

5                                   Plaintiff,

6                                   v.

7                                   DIVERSIFIED CONSULTANTS,  
8 INC.,  
9

10                                  Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**Case No.:**

**COMPLAINT AND DEMAND FOR  
JURY TRIAL**

**(Unlawful Debt Collection Practices)**

11  
12                                   **COMPLAINT**

13                   TAMEKA PARKER (“Plaintiff”), by and through her attorneys, KIMMEL  
14 & SILVERMAN, P.C., alleges the following against DIVERSIFIED  
15 CONSULTANTS, INC. (“Defendant”):  
16

17                                   **INTRODUCTION**

18                   1.     Plaintiff’s Complaint is based on the Fair Debt Collection Practices  
19 Act, 15 U.S.C. § 1692 *et seq.* (“FDCPA”).  
20

21                                   **JURISDICTION AND VENUE**

22                   2.     Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d),  
23 which states that such actions may be brought and heard before “any appropriate  
24 United States district court without regard to the amount in controversy,” and 28  
25

1 U.S.C. § 1331 grants this court original jurisdiction of all civil actions arising  
2 under the laws of the United States.

3  
4 3. Defendant conducts business in the Commonwealth of Pennsylvania  
5 and as such, personal jurisdiction is established.

6 4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

7  
8 **PARTIES**

9 5. Plaintiff is a natural person residing in Upper Darby, Pennsylvania  
10 19082.

11 6. Plaintiff is a “consumer” as that term is defined by 15 U.S.C.  
12 §1692a(3).

13  
14 7. Defendant is a national debt collection company with its corporate  
15 headquarters located at 10550 Deerwood Park Boulevard, Suite 309, Jacksonville,  
16 Florida 32256.

17  
18 8. Defendant is a “debt collector” as that term is defined by 15 U.S.C. §  
19 1692a(6), and repeatedly contacted Plaintiff in an attempt to collect a debt.

20 9. Defendant acted through its agents, employees, officers, members,  
21 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,  
22 representatives, and insurers.

23  
24 **FACTUAL ALLEGATIONS**

25 10. At all relevant times herein, Defendant was attempting to collect a

1 consumer debt and contacted Plaintiff in its attempts to collect that debt.

2 11. Plaintiff never incurred any debt in connection with a business or  
3 commercial activities, and therefore, the debt if truly an obligation owed by her  
4 could only have arisen from a financial obligation primarily for personal, family,  
5 or household purposes.  
6

7 12. The debt at issue, an AT&T cell phone bill, arose out of transactions  
8 primarily for personal, family, or household purposes.  
9

10 13. Defendant collected from Plaintiff beginning November 2014  
11 through May 26, 2015 on one AT&T account and from May 3, 2015 through  
12 August 2015 on another AT&T account.  
13

14 14. Defendant's overlapping collection of two accounts involving the  
15 same creditor was confusing to Plaintiff as Defendant had not correctly  
16 differentiated that there were two accounts, or the two (very different) balances,  
17 which Defendant was collecting.  
18

19 15. In early June 2015, Defendant repeatedly and continuously placed  
20 collection calls to Plaintiff's cellular telephone.

21 16. During the relevant period, Plaintiff received an average of five (5)  
22 calls each day from Defendant.  
23

24 17. In November 2014, when Defendant first contacted Plaintiff, it  
25 identified its company's name and informed her that it was attempting to collect

1 on the aforementioned \$42.00 AT&T debt.

2 18. On or around June 2015, Defendant began seeking a \$1,000.00 from  
3 what Plaintiff later learned was another AT&T account.  
4

5 19. As to the first account, Plaintiff told Defendant the \$42.00 amount  
6 was paid in full in 2008 and nothing was owed.

7 20. Plaintiff told Defendant's collectors that she disputed the \$42.00  
8 amount, and when a call demanding \$1,000.00 was received in June 2015, she  
9 instructed Defendant to stop calling her.  
10

11 21. Although Defendant heard Plaintiff's instructions, the collector  
12 quickly terminated the call rather than confirm that calls would stop.  
13

14 22. Defendant continued to call, multiple times between June 2015 and  
15 August 2015 after she told Defendant to stop calling.

16 23. Frustrated, Plaintiff reiterated to Defendant in the subsequent calls  
17 she answered, what she had said earlier; the debt had already been paid. In  
18 response, Defendant's collectors did not disagree that it was paid, only that they  
19 had "no records of it."  
20

21 24. Defendant persisted and when that failed, threatened to pursue legal  
22 action if the \$1,000.00 amount sought remained unpaid.  
23

24 25. Defendant's constant calls, aside from being unwanted, were placed  
25 at inconvenient times such as while Plaintiff was at work, and came after

1 Defendant was told not to call.

2 26. Defendant's action, as described herein, were taken with intent to  
3 annoy, abuse, harass, and mislead Plaintiff in connection with the collection of a  
4 debt.  
5

6 27. Defendant's overlapping collection efforts on two AT&T balances  
7 from Plaintiff, caused confusion and were conducted in a manner that resulted in a  
8 deceptive, harassing, and misleading, impact upon Plaintiff.  
9

10 28. Upon information and belief, Defendant did not maintain recordings  
11 of calls to Plaintiff referenced above.

12 29. Upon information and belief, the only recordings Defendant retained  
13 in connection with Plaintiff, were those that recorded Plaintiff's voice mail  
14 greeting only and calls that were cut off in mid-sentence.  
15

16 30. Upon information and belief, Defendant made recordings of calls that  
17 it could not secure Plaintiff's consent, but retained whatever was recorded  
18 anyway.  
19

20 **DEFENDANT VIOLATED THE**  
21 **FAIR DEBT COLLECTION PRACTICES ACT**

22 **COUNT I**

23 31. Defendant's conduct, as detailed in the preceding paragraphs, violated  
24 15 U.S.C. § 1692c(a)(1).  
25

a. A debt collector violates § 1692c(a)(1) of the FDCPA by



1 communicating with a consumer in connection with the  
2 collection of any debt at any unusual time or place or a time or  
3 place known or which should be known to be inconvenient to  
4 the consumer. In absence of knowledge of circumstances to the  
5 contrary, a debt collector shall assume that the convenient time  
6 for communicating with a consumer is after 8:00 a.m. and  
7 before 9:00 p.m., local time at the consumer's location.  
8  
9

- 10 b. Here, Defendant violated § 1692c(a)(1) of the FDCPA when it  
11 called Plaintiff at her place of employment, after being told to  
12 stop calling, which made the calls inconvenient for her.  
13

## 14 COUNT II

15 32. Defendant's conduct, as detailed in the preceding paragraphs, violated  
16 15 U.S.C. §§ 1692d and 1692d(5).  
17

- 18 a. A debt collector violates § 1692d of the FDCPA by engaging  
19 in conduct of the natural consequence of which is to harass,  
20 oppress, or abuse any person in connection with the collection  
21 of a debt.  
22

- 23 b. A debt collector violates § 1692d(5) of the FDCPA by causing  
24 a telephone to ring or engaging any person in telephone  
25 conversation repeatedly or continuously with intent to annoy,

1 abuse, or harass any person at the called number.

- 2 c. Here, Defendant violated §§ 1692d and 1692d(5) of the  
3 FDCPA by repeatedly contacting Plaintiff multiple times a  
4 week, and continuing to call Plaintiff after being told to stop  
5 calling her.  
6

7 **COUNT III**  
8

9 33. Defendant's conduct, as detailed in the preceding paragraphs, violated  
10 15 U.S.C. §§ 1692e, 1692e(2)(A), 1692e(5), and 1692e(10) of the FDCPA.

- 11 a. A debt collector violates § 1692e of the FDCPA by using any  
12 false, deceptive or misleading representations or means in  
13 connection with the collection of any debt.  
14  
15 b. A debt collector violates § 1692e(2) of the FDCPA by falsely  
16 representing the character, amount, or legal status of any debt.  
17  
18 c. A debt collector violates § 1692e(5) of the FDCPA by  
19 threatening to take any action that cannot legally be taken or  
20 that is not intended to be taken.  
21  
22 d. A debt collector violates § 1692e(10) of the FDCPA by using  
23 any false representation or deceptive means to collect or  
24 attempt to collect any debt.  
25  
e. Here, Defendant violated §§ 1692e and 1692e(10) of the

1 FDCPA when it engaged in collection of two AT&T accounts  
2 with vastly different balances, at the same time, without  
3 differentiation, by threatening legal action if the balance  
4 remained unpaid when it had no intention of pursuing legal  
5 action and when it misrepresented the amount and status of the  
6 alleged debt.  
7

8  
9 f. Defendant violated §§ 1692e(2) and 1692e(10) of the FDCPA  
10 by falsely representing to Plaintiff that it was seeking a  
11 \$1000.00 balance but was at the time collecting on two amounts  
12 one of which was only \$42.00.  
13

14 g. Finally, Defendant violated §§ 1692e(5) and 1692e(10) of the  
15 FDCPA when it threatened to pursue legal action it had no  
16 intention of taking.  
17

#### 18 **COUNT IV**

19 34. Defendant's conduct, as detailed in the preceding paragraphs, violated  
20 15 U.S.C. §§ 1692f and 1692f(1) of the FDCPA.

21 a. A debt collector violates § 1692f of the FDCPA by using unfair  
22 or unconscionable means to collect or attempt to collect any  
23 debt.  
24

25 b. A debt collector violates § 1692f(1) of the FDCPA by

1 collecting any amount (including any interest, fee, charge, or  
2 expense incidental to the principal obligation) unless such  
3 amount is expressly authorized by the agreement creating the  
4 debt or permitted by law.  
5

6 c. Here, Defendant violated § 1692f of the FDCPA engaging in  
7 other unfair and unconscionable debt collection practices,  
8 including failing to update its records to cease collection calls  
9 to Plaintiff's cellular telephone after he told them to stop  
10 calling, and when it attempted to collect a greater amount than  
11 owed.  
12

13 d. Here, Defendant violated § 1692f(1) of the FDCPA by  
14 attempting to collect \$953.00 more than the original amount  
15 owed by Plaintiff.  
16

17 WHEREFORE, Plaintiff, TAMEKA PARKER, respectfully prays for a  
18 judgment as follows:  
19

- 20 a. All actual damages suffered pursuant to 15 U.S.C.  
21 §1692k(a)(1);  
22  
23 b. Statutory damages of \$1,000.00 for the violation of the FDCPA  
24 pursuant to 15 U.S.C. §1692k(a)(2)(A);  
25

1 c. All reasonable attorneys' fees, witness fees, court costs and  
2 other litigation costs incurred by Plaintiff pursuant to 15 U.S.C.  
3 §1693k(a)(3); and  
4

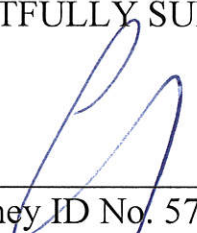
5 d. Any other relief deemed appropriate by this Honorable Court.

6 **DEMAND FOR JURY TRIAL**

7 PLEASE TAKE NOTICE that Plaintiff, TAMEKA PARKER, demands a  
8 jury trial in this case.  
9

10 RESPECTFULLY SUBMITTED,

11  
12 Date: 10-13-15

13 By:   
14 Attorney ID No. 57100  
15 Kimmel & Silverman, P.C.  
16 30 E. Butler Pike  
17 Ambler, PA 19002  
18 Phone: (215) 540-8888  
19 Fax: (877) 788-2864  
20 Email: [kimmel@creditlaw.com](mailto:kimmel@creditlaw.com)  
21  
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